

REMARKS

Claims 1-2, 5-20, 22-24 and 27-36 are pending in this application. By this Amendment, claims 1-2, 5, 8-9, 11, 13-14, 19-20, 22-23 and 27 are amended, claims 3-4, 21 and 25-26 are canceled without prejudice or disclaimer and claims 29-36 are added. Various amendments are made to the claims for clarity and are unrelated to issues of patentability. Reconsideration in view of the above amendments or the following remarks is respectfully requested.

Applicants sincerely acknowledge the Office Action's indication that claims 7, 11-17, 22 and 25-27 define patentable subject matter. However, for at least the reasons set forth below, Applicants respectfully submit that all pending claims are in condition for allowance.

A. The Office Action objects to the disclosure asserting the title of the invention is not descriptive. Applicants respectfully submit that the above amendments obviate the grounds for the objection. Withdrawal of the objection to the disclosure is respectfully requested.

B. The Office Action objects to claim 13 for informalities. Applicants respectfully submit the above amendments obviate the grounds for the objection. Withdrawal of the objection to claim 13 is respectfully requested.

C. The Office Action rejects claims 5, 8 and 13 under 35 U.S.C. § 112, second paragraph as being indefinite. Applicants respectfully submit the above amendments obviate the grounds for the rejection. Further, with respect to claim 13, a "leading end of the tray" is recited in claim 9. Withdrawal of the rejection of claims 5, 8 and 13 under §112 is respectfully requested.

D. The Office Action rejects claims 1-6, 8-10 and 18 under 35 U.S.C. § 102(b) over U.S. Patent No. 6,212,147 to Ishihara and rejects claims 19-21, 23-24 and 28 under 35 U.S.C. § 102(b) over JP 05-266563 to Tanaka. The rejections are respectfully traversed.

With respect to claim 1, Applicants respectfully submit Ishihara and Tanaka, individually or in combination, do not teach or suggest at least features of a disk loading apparatus including wherein for at least a portion of the movement of the tray from a closed position to an open position, a disk-loading position determined by the disk guide unit is configured to move relative to the tray and combinations thereof as recited.

Applicants respectfully submit that subject matter indicated to be allowable in claim 26 is incorporated into claim 19.

For at least the reasons set forth above, Applicants respectfully submit that claims 1 and 19 define patentable subject matter. Claims 2-6, 8-10 and 18, 20-21, 23-24 and 28 depend from claims 1 and 19, respectively, and therefore also define patentable subject

matter for at least this reason as well as their additionally recited features. Claims 3-4 and 21 are canceled without prejudice or disclaimer. Withdrawal of the rejection of claims 1-6, 8-10, 18-21, 23-24 and 28 under §102 is respectfully requested.

E. The Office Action rejects claims 1-28 for double patenting and rejects claims 1-28 provisionally under 35 U.S.C. §101 over claims 1-28 of co-pending Application No. 10/700,678 for provisional double patenting. Applicants respectfully submit that these rejections are moot because U.S. Patent Application No. 10/770,678 was abandoned on September 13, 2006.

F. Claims 29-36 are newly added by this Amendment and believed to be in condition for allowance. Applicants respectfully submit that new independent claim 34 recites subject matter indicated to be allowable in claim 13.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-28 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carl R. Wesolowski, at the telephone number listed below.

Serial No. 10/705,925
Reply to Office Action of June 28, 2006

Docket No. IK-0061

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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